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8/29/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 29 AM 10:02

UNITED STATES OF AMERICA,

Plaintiff,

v.

Lorena MENDOZA,

Defendant(s)

Magistrate Case No.

08 MJ 2662

COMPLAINT FOR VIOLATION OF

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **August 27, 2008**, within the Southern District of California, defendant **Lorena MENDOZA**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Fernando GAZCA-Ramirez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF August, 2008

William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

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8/29/08**CONTINUATION OF COMPLAINT:****Lorena MENDOZA****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Fernando GAZCA-Ramirez** is a citizen of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 27, 2008, Agent E. Taylor was performing assigned duties in the Imperial Beach Border Patrol Station area of operations. At approximately 1:30 PM Agent Taylor responded to a radio call from Officers from the San Ysidro, California Port of Entry, which stated that three individuals were seen entering the United States illegally by running northbound on the Interstate 5 southbound lanes. Agent Taylor immediately drove north bound on Interstate 5, and placed himself in a position to observe traffic on the highway.

Agents were notified that the three individuals had entered into a white and orange taxi cab, which was parked on the Ensenada Bridge. The Ensenada Bridge is located directly above Interstate 5 and approximately 100 yards north of the San Ysidro Port of Entry. A few minutes later, Agent Taylor saw a taxi cab driving by his location. Agent Taylor began to follow the vehicle as it continued onto the 805 North entrance. He noticed that there were three passengers in the back seat of the taxi. Agent Taylor initiated a vehicle stop on Interstate 805 North just before the 905 Interchange. The vehicle yielded and Supervisory Border Patrol Agent J. Miranda arrived on scene to assist Agent Taylor.

Both agents approached the vehicle and identified themselves as Border Patrol Agents. Agent Miranda questioned each of the individuals as to their citizenship. Two of the passengers in the cab, admitted to being citizens and nationals of Mexico illegally present in the United States. A third passenger, defendant **Lorena MENDOZA** stated she was a United States citizen and admitted that she and the cab driver were here to pick up the two illegal aliens. At 1:40 PM all of the subjects, including the driver were arrested and transported to the Imperial Beach Station for further processing.

DEFENDANT'S STATEMENT:

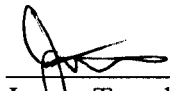
The defendant was advised of her rights as per the Miranda Warning. The defendant stated that she understood her rights and agreed to be interviewed without representation.

The defendant stated that one week ago she contacted somebody involved with the Linea Trece smuggling organization in Mexico. She stated to her contact that she needed to make some extra money and asked if he had any work for her. He did and they arranged for her to come to San Ysidro on August 27, 2008. The defendant bought a bus ticket a week ago and traveled to San Ysidro. When she arrived, she received a phone call from the Alien Smuggling Organization in Mexico, telling her that within the next thirty minutes the people she would be smuggling would be crossing the border. She was instructed to lead them to a taxi on the Ensenada Bridge and get in with them. She was to instruct the driver to bring them to the Iris Trolley station, where she would drop off the aliens with an unknown individual who would then pay her \$100.00 for each illegal alien.

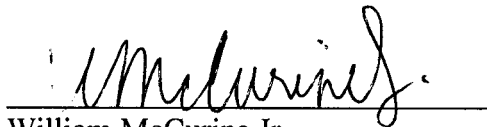
MENDOZA recanted her statement that the cab driver was involved in the smuggling attempt.

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8/29/08**CONTINUATION OF COMPLAINT:****Lorena MENDOZA****MATERIAL WITNESSES STATEMENTS:**

Fernando GAZCA-Ramirez stated that his brother was going to pay approximately \$3500.00, for **GAZCA** to be smuggled into the United States. **GAZCA** stated that he was going to be taken to Los Angeles, California, where he planned to live and work with his brother. **GAZCA** stated that he was told to run up the freeway and get into a taxi cab. **GAZCA** also stated that he felt the manner in which he was told to enter the United States, was very dangerous. **GAZCA** said when he and the other individual with whom he crossed arrived at the taxi, a woman got into the taxi cab with them. **GAZCA** also stated that he felt this was not normal behavior for a woman, getting into a taxi cab with people she did not know. When the Border Patrol Agents stopped the taxi cab, **GAZCA** stated that Lorena Mendoza said they had been caught by the Border Patrol.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

8/29/08
Date